

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>ARDELL KENNEDY,</b>	:	<b>CIVIL ACTION</b>
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>CITY OF PHILADELPHIA, <i>et al.</i>,</b>	:	<b>NO. 17-2338</b>
<b>Defendants.</b>		

**ORDER**

AND NOW, this 23<sup>rd</sup> day of October, 2017, upon consideration of Mr. Kennedy's *pro se* Second Amended Complaint, it is ORDERED that:

1. The Second Amended Complaint is DISMISSED for failure to state a claim, pursuant to 28 U.S.C. §1915(e)(2)(B)(ii), in accordance with the Court's memorandum. The claims against the City of Philadelphia, Mayor Kenney, Commissioner Ross, the Philadelphia Police Department, Officer Haper, Officer Kurth, Officer Jones, Officer Lynch, Officer Smalls, Officer Washington, Officer Fagan, Officer Love, Officer Wright, District Attorney Seth Williams, ADA Tumolo, ADA Malloy, ADA Friend-Kelly, ADA Andress, Judge Woods-Skipper, Judge Eubanks, Judge Anders, Judge Campbell, Keir Bradford-Grey, Marit Anderson, Joseph Patrick McPeak, Tess Senderowicz, and Jilozian Edwards are dismissed with prejudice. Kennedy's claims concerning his arrest and the events of November 17, 2014 are also dismissed with prejudice.

2. In accordance with the Court's Memorandum, Kennedy is given leave to file a third amended complaint against Officer McCauley within thirty (30) days from the date of this Order. If Kennedy chooses to file a third amended complaint, he shall not raise any claims that the Court has dismissed with prejudice and he shall not name any defendants other than Officer

McCauley. The third amended complaint shall also only raise claims against Officer McCauley based upon his conduct during Kennedy's trial.

3. The Clerk of Court shall provide Kennedy with a blank copy of the Court's current form complaint to be used by a *pro se* litigant filing a lawsuit under 42 U.S.C. § 1983 bearing the civil action number for this case.

4. If Kennedy fails to file a third amended complaint within the time period allowed, his case may be dismissed, with prejudice and without further notice, for failure to prosecute.

**BY THE COURT:**

/s/ *Gerald J. Pappert*

**GERALD J. PAPPERT, J.**